

ASSEMBLY BILL

No. 1606

Introduced by Assembly Member Perea
(Coauthor: Senator Lieu)

February 7, 2012

An act to amend Section 3505.4 of the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1606, as introduced, Perea. Local public employee organizations: impasse procedures.

The Meyers-Milias-Brown Act contains various provisions that govern collective bargaining of local represented employees, and delegates jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the statutory duties and rights of local public agency employers and employees. The act requires the governing body of a public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations.

Under the act, if the representatives of the public agency and the employee organization fail to reach an agreement, they may mutually agree on the appointment of a mediator and equally share the cost. If the parties reach an impasse, the act provides that a public agency may unilaterally implement its last, best, and final offer. Existing law further authorizes the employee organization, if the mediator is unable to effect settlement of the controversy within 30 days of his or her appointment, to request that the parties' differences be submitted to a factfinding panel.

This bill would instead authorize the employee organization, if the parties are unable to effect settlement of the controversy within 30 days after the appointment of a mediator, or if the dispute was not submitted to mediation within 30 days after the date that either party provided the other with written notice of a declaration of impasse, to request that the parties' differences be submitted to a factfinding panel. The bill would also specify that its provisions are intended to be technical and clarifying of existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3505.4 of the Government Code is
2 amended to read:
3 3505.4. (a) If the ~~mediator is~~ *parties are* unable to effect
4 settlement of the controversy within 30 days after ~~his or her the~~
5 *appointment of a mediator, or if the dispute was not submitted to*
6 *mediation within 30 days after the date that either party provided*
7 *the other with written notice of a declaration of impasse,* the
8 employee organization may request that the parties' differences
9 be submitted to a factfinding panel. Within five days after receipt
10 of the written request, each party shall select a person to serve as
11 its member of the factfinding panel. The Public Employment
12 Relations Board shall, within five days after the selection of panel
13 members by the parties, select a chairperson of the factfinding
14 panel.
15 (b) Within five days after the board selects a chairperson of the
16 factfinding panel, the parties may mutually agree upon a person
17 to serve as chairperson in lieu of the person selected by the board.
18 (c) The panel shall, within 10 days after its appointment, meet
19 with the parties or their representatives, either jointly or separately,
20 and may make inquiries and investigations, hold hearings, and
21 take any other steps it deems appropriate. For the purpose of the
22 hearings, investigations, and inquiries, the panel shall have the
23 power to issue subpoenas requiring the attendance and testimony
24 of witnesses and the production of evidence. Any state agency, as
25 defined in Section 11000, the California State University, or any
26 political subdivision of the state, including any board of education,
27 shall furnish the panel, upon its request, with all records, papers,

1 and information in their possession relating to any matter under
2 investigation by or in issue before the panel.

3 (d) In arriving at their findings and recommendations, the
4 factfinders shall consider, weigh, and be guided by all the following
5 criteria:

6 (1) State and federal laws that are applicable to the employer.

7 (2) Local rules, regulations, or ordinances.

8 (3) Stipulations of the parties.

9 (4) The interests and welfare of the public and the financial
10 ability of the public agency.

11 (5) Comparison of the wages, hours, and conditions of
12 employment of the employees involved in the factfinding
13 proceeding with the wages, hours, and conditions of employment
14 of other employees performing similar services in comparable
15 public agencies.

16 (6) The consumer price index for goods and services, commonly
17 known as the cost of living.

18 (7) The overall compensation presently received by the
19 employees, including direct wage compensation, vacations,
20 holidays, and other excused time, insurance and pensions, medical
21 and hospitalization benefits, the continuity and stability of
22 employment, and all other benefits received.

23 (8) Any other facts, not confined to those specified in paragraphs
24 (1) to (7), inclusive, which are normally or traditionally taken into
25 consideration in making the findings and recommendations.

26 SEC. 2. The Legislature finds and declares that the amendments
27 to Section 3505.4 of the Government Code made by this act are
28 intended to be technical and clarifying of existing law.